

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CAROL J. NELSON,)	CV 01-00182 KSC
)	
Plaintiff,)	
vs.)	
)	DECLARATION OF
)	ENVER W. PAINTER, JR.
ROBERT ALAN JONES)	IN SUPPORT OF PLAINTIFF'S
)	MOTION FOR AN AWARD
)	OF ATTORNEY'S FEES
)	
Defendant.)	
)	
<hr/> ROBERT ALAN JONES)	
)	
Counterclaimant,)	
vs.)	Bench Trial:
)	August 7, 2007
CAROL NELSON)	Magistrate Judge
)	Kevin S. S. Chang
Counterclaim)	
Defendant.)	
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**DECLARATION OF ENVER W. PAINTER, JR., IN SUPPORT OF
PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEY'S FEES**

I am and have been at all times relevant to this motion counsel herein for Plaintiff and Counterclaim Defendant Carol J. Nelson (Nelson) and make this declaration upon personal knowledge and declare under penalty of perjury that the

following is true and correct:

A true copy of my fee agreement with Nelson regarding this matter was attached to Nelson's Motion filed on September 18, 2007 as Exhibit A.

Attached to Nelson's September 18, 2007 Motion as Exhibits B were true copies of my September 2001 through July 2003 invoices to Nelson for fees incurred in this matter.

Attached to Nelson's September 18, 2007 Motion as Exhibits C were true copies of my time slips for the time spent in this matter on Nelson's behalf from December 8, 2005 through August 20, 2007.

Attached hereto as Exhibit "A" is a compilation of the billings and time slips attached to Nelson's previous motion as Exhibits B and C respectively categorized according to the categories as specified in Local Rule 54.3(d)(1).

As previously stated, I only had hard copies of the billings attached to Nelson's previous Motion as Exhibit B. In order to categorize the billings in the categories required by Local Rule 54.3(d)(1), I had to physically cut and past those billings into the relevant categories. The different formats and fonts in Exhibit A result from the different formats and fonts used in the billings to Nelson over the years.

I bill my time at the rate of \$250.00 per hour. This is my standard rate which I have charged my clients since January 1, 2002. The United States

Bankruptcy Court and the United States District Court for the District of Hawaii have both approved my hourly rate of \$250.00 per hour and have awarded fees based upon that rate. The rate of \$250.00 is commensurate with my experience and expertise and are comparable to rates charged by other attorneys in this community with similar backgrounds and experience.

However, as my fee agreement with Ms. Nelson was entered into in 2001 for the billing rate of \$200.00 per hour, I continued to bill Nelson at that rate throughout this case. All fees requested herein are therefore based upon the rate of \$200.00 per hour.

The fees incurred herein on behalf of Ms. Nelson were reasonable and necessarily incurred and the award of fees requested herein is reasonable.

DATED: Honolulu, Hawaii, December 31, 2007.

A handwritten signature in black ink, appearing to read "Enver W. Painter, Jr.", is written over a horizontal line.

ENVER W. PAINTER, JR.
Attorney for Plaintiff/Counterclaim
Defendant CAROL J. NELSON